

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION

CLARENCE SHED

PLAINTIFF

V.

CIVIL ACTION NO. 3:16CV171-NBB-RP

JOHNNY COLEMAN BUILDERS, INC.;
JOHNNY COLEMAN d/b/a
JOHNNY COLEMAN COMPANIES, LLC;
SHERRY MAGGIO FLYNN, and
JOHN DOES 1-10

DEFENDANTS

ORDER

This cause comes before the court upon the *pro se* plaintiff Clarence Shed's third motion for relief from judgment pursuant to Fed. R. Civ. P. 60(b). This court granted the defendants' motion for summary judgment on August 23, 2017, and the plaintiff subsequently appealed. The court denied the plaintiff's first Rule 60(b) motion on May 15, 2018, during the pendency of the appeal. The Fifth Circuit Court of Appeals affirmed this court's summary judgment ruling on March 22, 2019. This court denied the plaintiff's second Rule 60(b) motion four days later on March 26, 2019. The plaintiff subsequently appealed that ruling and filed the present motion – his third motion for relief under Rule 60(b) – during the pendency of his second appeal. The Fifth Circuit affirmed this court a second time on September 27, 2019. This third motion for relief from judgment is now moot in light of the Fifth Circuit's ruling, and it will be denied.

Further, the plaintiff is cautioned that this court will impose monetary sanctions against him if he files another motion for relief in this case. “[O]ne acting *pro se* has no license to harass others, clog the judicial machinery with meritless litigation, and abuse already overloaded court dockets.” *Ferguson v. MBank Houston, N.A.*, 808 F.2d 358, 359 (5th Cir. 1986).

Accordingly, it is ORDERED AND ADJUDGED that the plaintiff's third motion for relief from judgment pursuant to Fed. R. Civ. P. 60(b) is DENIED.

This, the 26th day of March, 2020.

/s/ Neal Biggers
NEAL B. BIGGERS, JR.
UNITED STATES DISTRICT JUDGE